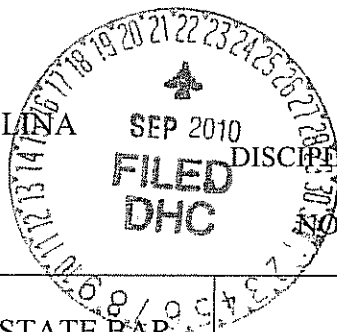


STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE
DISCIPLINARY HEARING COMMISSION
OF THE
NORTH CAROLINA STATE BAR
10 DHC 34

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

KIMBERLY J. JORDAN, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("Plaintiff" or "State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, Kimberly J. Jordan ("Jordan"), was admitted to the North Carolina State Bar on April 5, 1996, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct. Subsequent to her actions described below, Jordan's law license was suspended on March 12, 2009 for non-payment of her State Bar dues.

3. During all or a portion of the relevant periods referred to herein, Jordan was engaged in the private practice of law in the city of Raleigh, Wake County, North Carolina.

4. On September 3, 2007, Michael Ray Strickland ("Strickland") received a speeding ticket (07 IF 728155) in Raleigh, North Carolina, which was scheduled in Wake County District Court for October 5, 2007.

5. Strickland failed to appear on his scheduled court date, and his case was voluntarily dismissed with leave to reinstate the charge as a result of being called and failed.

6. Strickland subsequently informed his co-worker, April McGee ("McGee"), that he had the traffic ticket. McGee mentioned this to Jordan and Jordan indicated to Strickland she would investigate the matter.

7. Approximately two weeks after Jordan indicated she would investigate the ticket, Jordan visited Strickland's and McGee's place of employment. Jordan told Strickland

that she had taken care of the traffic ticket, and asked for \$500.00 in compensation. Strickland paid Jordan with a \$500.00 money order.

8. On May 30, 2008, Strickland was stopped and given a ticket for driving while license revoked. Strickland retained attorney Mary Alexander Reed ("Reed") to represent him in connection with this new charge.

9. Reed's investigation showed that Jordan had not resolved the speeding ticket (07 IF 728155) for which Strickland had paid her \$500.00. The court file revealed that Jordan made scheduling requests on December 6, 2007, December 10, 2007, and January 25, 2008, but had never resolved Strickland's ticket.

10. On June 13, 2009, Reed resolved the outstanding speeding ticket (07 IF 728155) by negotiating a reduction, to which Strickland entered a guilty plea. Strickland paid court costs, fine, and fees totaling \$230.00. Strickland also paid Reed \$550.00 for representing him on the charges, including the ticket which Jordan had not resolved.

11. On October 23, 2008, Strickland wrote to Jordan indicating that he intended to file a grievance with the State Bar if Jordan did not repay him the \$500.00 and compensate him for his expenses in connection with the ticket which Jordan had failed to resolve. Jordan did not respond.

12. On August 4, 2009, Strickland filed a grievance against Jordan with the State Bar (09G0923). The State Bar's counsel sent a letter of notice by certified mail to Jordan. Jordan signed for the letter of notice on August 14, 2009. The letter of notice required Jordan to respond within fifteen (15) days of its receipt.

13. Jordan did not respond to the letter of notice.

THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. §§ 84-28(b)(2) and (b)(3) in that Defendant violated the Rules of Professional Conduct as follows:

- a) By failing to pursue Strickland's legal matter, Jordan failed to act with reasonable diligence and promptness in representing a client in violation of Rule 1.3;
- b) By failing to timely respond to Strickland's inquiry or otherwise keep Strickland informed about the status of his case, Jordan failed to keep her client reasonably informed about the status of the matter in violation of Rule 1.4(a)(3) and failed to promptly comply with reasonable requests for information in violation of Rule 1.4(a)(4);
- c) By soliciting payment from Strickland for legal services which she falsely represented she had performed but had not in fact performed, Jordan charged and collected an illegal or clearly excessive fee in violation of Rule 1.5(a);
- d) By failing to respond to the State Bar's Letter of Notice regarding grievance file no. 09G0923, Jordan failed to respond as required to a lawful demand for

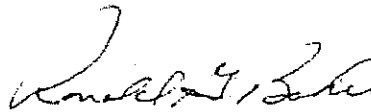
information from a disciplinary authority in violation of Rule 8.1(b) and N.C. Gen. Stat. § 84-28(b)(3);

- e) By falsely representing to Strickland that she had resolved his speeding charge and by soliciting payment of a legal fee for services which she had not performed, Jordan committed a criminal act (obtaining money by false pretense) that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in violation of Rule 8.4(b);
- f) By falsely representing to Strickland that she had resolved his speeding charge and by soliciting payment of a legal fee for services which she had not performed, Jordan engaged in conduct involving dishonesty, fraud, deceit or misrepresentation in violation of Rule 8.4(c); and,
- g) By falsely representing to Strickland that she had resolved his speeding charge when in fact she had not done so, Jordan engaged in conduct that is prejudicial to the administration of justice in violation of Rule 8.4(d).

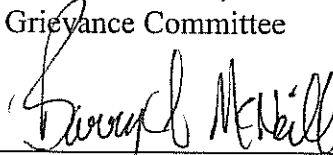
WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B § .0114), as the evidence on hearing may warrant;
- (2) Defendant be taxed with the administrative fees and with actual costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

This the 22nd day of September, 2010.



Ronald G. Baker, Chair
Grievance Committee



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